

**Introduced by Senator Kuehl**

February 24, 2006

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An act to amend Section 295 of the Welfare and Institutions Code, relating to dependent children.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1667, as introduced, Kuehl. Dependent children.

Existing law authorizes the juvenile court to adjudge a minor who has been abused or neglected, or who meets other specified criteria, to be a dependent child of the court. Existing law requires a social worker or probation officer to give notice of review hearings relating to the adoption or legal guardianship of the minor to specified persons. Among others, the social worker or probation officer is required to give notice to the foster parents, Indian custodian, relative caregivers, community care facilitator or foster family agency having physical custody of the child, if a child is removed from the physical custody of the parents or legal guardian.

This bill would authorize any foster parent, Indian custodian, relative caregiver, community care facilitator, or foster family agency who is notified, as described above, to attend all hearings and to submit any information he or she deems relevant to the court in writing.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 295 of the Welfare and Institutions
- 2 Code is amended to read:

1     295. The social worker or probation officer shall give notice  
2 of review hearings held pursuant to Section 366.3 in the  
3 following manner:

4     (a) Notice of the hearing shall be given to the following  
5 persons:

6       (1) The mother.

7       (2) The presumed father.

8       (3) The legal guardian or guardians.

9       (4) The child, if the child is 10 years of age or older.

10      (5) Any known sibling of the child who is the subject of the  
11 hearing if that sibling either is the subject of a dependency  
12 proceeding or has been adjudged to be a dependent child of the  
13 juvenile court. If the sibling is 10 years of age or older, the  
14 sibling, the sibling's caregiver, and the sibling's attorney. If the  
15 sibling is under 10 years of age, the sibling's caregiver and the  
16 sibling's attorney. However, notice is not required to be given to  
17 any sibling whose matter is calendared in the same court on the  
18 same day.

19      (6) The foster parents, Indian custodian, relative caregivers,  
20 community care facility, or foster family agency having physical  
21 custody of the child ~~in the case of~~ *if a child is removed from the*  
22 physical custody of the parents or legal guardian. *The person*  
23 *notified may attend all hearings and may submit any information*  
24 *he or she deems relevant to the court in writing.*

25      (7) The attorney of record if that attorney of record was not  
26 present at the time that the hearing was set by the court.

27      (8) The alleged father or fathers, but only if the  
28 recommendation is to set a new hearing pursuant to Section  
29 366.26.

30      (9) If the court knows or has reason to know that an Indian  
31 child is involved, then to the Indian custodian and the tribe of  
32 that child. If the identity or location of the parent or Indian  
33 custodian and the tribe cannot be determined, notice shall be  
34 given to the Bureau of Indian Affairs.

35      (b) No notice is required for a parent whose parental rights  
36 have been terminated.

37      (c) The notice of the review hearing shall be served no earlier  
38 than 30 days, nor later than 15 days, before the hearing. In the  
39 case of an Indian child, if notice is given to the Bureau of Indian

1 Affairs, the bureau shall have 15 days after receipt to provide the  
2 requisite notice to the parent or Indian custodian and the tribe.

3 (d) (1) The notice of the review hearing shall contain a  
4 statement regarding the nature of the hearing to be held, any  
5 recommended change in the custody or status of the child, and  
6 any recommendation that the court set a new hearing pursuant to  
7 Section 366.26 in order to select a more permanent plan.

8 (2) In the case of an Indian child, the notice shall contain a  
9 statement that the parent or Indian custodian and the tribe have a  
10 right to intervene at any point in the proceedings. The notice  
11 shall also include a statement that the parent or Indian custodian  
12 and the tribe shall, upon request, be granted up to 20 additional  
13 days to prepare for the proceedings.

14 (e) Service of notice shall be by first-class mail addressed to  
15 the last known address of the person to be provided notice. In the  
16 case of an Indian child, notice shall be by registered mail, return  
17 receipt requested.

18 (f) If the child is ordered into a permanent plan of legal  
19 guardianship, and subsequently a petition to terminate or modify  
20 the guardianship is filed, the probation officer or social worker  
21 shall serve notice of the petition not less than 15 court days prior  
22 to the hearing on all persons listed in subdivision (a) and on the  
23 court that established legal guardianship if it is in another county.